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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/876,482      | 06/07/2001  | Luigi Pace           | CM2421              | 8912             |

27752 7590 04/23/2004

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

BOYER, CHARLES I

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1751

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/876,482 | <b>Applicant(s)</b><br>PACE ET AL. |  |
|                              | <b>Examiner</b><br>Charles I Boyer   | <b>Art Unit</b><br>1751            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received March 3, 2004. Claims 1 and 3-18 are currently pending.

#### ***Response to Amendment***

Applicants have argued that the amendment filed Sep 18, 2003 does not introduce new matter into the disclosure because the specification provides basis for anhydrous compositions and the composition is stored in the absence of water. The examiner acknowledges these facts, but contends that an anhydrous composition is very different from a process of treating a fabric in the absence of water. The composition may be anhydrous, but nowhere in the specification is there basis for treating a fabric without water. Accordingly, the rejection is maintained.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 2-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yurko, US 4,064,062.

Yurko teaches bleaching detergent compositions (see abstract). An example of such a composition is a powdered bleaching detergent comprising an anhydrous zeolite, ethanol, sodium silicate, and water (col. 14, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to heat generation, as Yurko teaches the identical composition and process of the present claims, the examiner maintains the composition of Yurko will inherently meet this limitation. Regarding applicant's recitation of what is disclosed by the instructions, "Where sole distinction set out in claims over prior art is in printed matter, there being no new feature of physical structure and no new relation of printed matter to physical structure, such claims may not be allowed; it is only where claims define either new features of structure or new relations of printed matter to structure, or both, which new features or new relations give rise to some new and useful function, effect, or result, that claims may be allowed; particular branch of art considered does not change these principles." *Ex parte Gwinn* 112 USPQ 439. As the compositions are anticipated, and the instructions do not give rise to a new and useful function, effect or result, they do not contribute a patentable difference to applicant's invention.

Applicants have traversed this rejection on the grounds that the zeolite of Yurko is used as a stabilizer. The specific utility of the zeolite is immaterial. All that is required

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is a fabric treating composition containing an activated zeolite and this limitation is satisfied by the reference.

1. Claims 1, and 3-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pan et al, US 5,691,303.

Pan et al teach granular detergent compositions (see abstract). An example of such a composition is a granular detergent comprising an activated/dehydrated zeolite, sodium silicate, and water (col. 12, example II). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa et al, US H1468.

Costa et al teach detergent compositions (see abstract). An example of such a composition is a granular detergent comprising an aluminosilicate, polyethylene glycol, and sodium silicate (col. 25, example II). Note that dehydrated zeolites are suitable for

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use in the invention (col. 7, lines 12-13). Costa et al do not specify the aluminosilicate used in example II as a dehydrated zeolite, however, as such zeolites are taught as suitable for use in their invention, it would have been obvious to one of ordinary skill in the art to use a dehydrated zeolite in example II and so meet the material limitations of the claims at hand.

Applicants have traversed this rejection on the grounds that the fabric cleaning composition of Costa et al does not satisfy a process of treating a rug, carpet, upholstery, or curtain. The examiner disagrees and notes these are all fabrics that may be treated with a fabric cleaner.

1. Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calton et al, US 6,068,665.

Calton et al teach carpet cleaning compositions (see abstract). An example of such a composition is a dry powder comprising a zeolite where the composition is applied to a stained carpet and removed by vacuum (col. 5, examples 4, and 6-12). Note that calcined zeolites are suitable for use in the invention (col. 2, lines 61-62). Calton et al do not specify the zeolite used in their examples as a calcined zeolite, however, as such zeolites are taught as suitable for use in their invention, it would have been obvious to one of ordinary skill in the art to use a calcined zeolite in their examples and so meet the material limitations of the claims at hand.

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Applicants have traversed this rejection on the grounds that water is required in the stain removal compositions of Calton et al. The examiner disagrees and notes that the examples above do not require added water.

4. Claims 1, and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gioffre et al, US 4,592,855.

Gioffre et al teach effervescent compositions having cleansing action (see abstract). The active ingredient in these effervescent compositions is a dehydrated zeolite (col. 7, example 1). The compositions are suitable for use in carpet cleaning compositions and stain removal compositions. Gioffre et al do not specifically teach a fabric cleaner containing a dehydrated zeolite, however as the compositions are clearly contemplated for this purpose, it would have been obvious to one of ordinary skill in the art to formulate a fabric cleaner with a dehydrated zeolite and so meet the material limitations of the claims at hand.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

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If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
**CHARLES BOYER**  
**PRIMARY EXAMINER**